

DELTA PROTECTION COMMISSION

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June 14, 1996

To: Delta Protection Commission
From: Margit Aramburu, Executive Director
Subject: Pending Legislation

Background:

The Commission has expressed interest in several pieces of pending state legislation. The Commission will consider taking a position on the following items of pending legislation:

SB 900 (Costa), would authorize voter consideration in November of a bond act to raise money some of which would be designated for maintaining Delta levees. The bill is currently in conference committee. New language will be forwarded to the Commission as soon as it is available.

AB 360 (Hannigan), language to expand the current Delta levee maintenance program to include "project" levees, which currently are not eligible for State matching funds. In addition, there may be language added to extend and expand the current Delta levee subvention program. New language will be forwarded to the Commission as soon as it is available.

AB 2193 (Rainey), is a proposal to designate Department of Boating and Waterways as the agency responsible for control of the exotic aquatic plant *Egeria densa* in Delta waterways. Currently the legislation does not contain funding for the program. A Senate Natural Resources Subcommittee hearing is scheduled for June 25, 1996.

Staff Recommendation:

The Commission may take a position in support of any of the three bills. If the Commission votes to support any legislation, the Commission should authorize the Chair to send a letter of support to the sponsor of the legislation.

SB 900 Water Resources and Delta Restoration Act of 1996.

BILL NUMBER: SB 900 AMENDED 05/15/96

AMENDED IN ASSEMBLY MAY 15, 1996
 AMENDED IN ASSEMBLY MAY 6, 1996
 AMENDED IN SENATE JANUARY 25, 1996
 AMENDED IN SENATE JANUARY 16, 1996
 AMENDED IN SENATE APRIL 17, 1995

INTRODUCED BY Senators Costa and Kelley (Principal coauthor: Assembly Member Bustamante) (Coauthors: Senators Alquist, Maddy, and Polanco) (Coauthors: Assembly Members Granlund and Harvey, Harvey, Poochigian, Setencich, Hawkins, and Ducheny)

FEBRUARY 23, 1995

~~An act to add Division 24 (commencing with Section 78500) to the Water Code, relating to financing water programs, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately, to the Water Code, relating to water.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 900, as amended, Costa, ~~Water Resources and Delta Restoration Act of 1996~~ *Clean, Safe, Reliable Water Supplies for Cities, Farms, and the Environment Act of 1996*.

Under existing law, various ~~bond acts have been approved by the voters to~~ statutes provide funds for water projects, facilities, and programs.

~~This bill would enact the Water Resources and Delta Restoration Act of 1996, which, if adopted, would authorize for the purpose of financing prescribed water programs, the issuance of bonds in the amount of _____ pursuant to the State General Obligation Bond Law.~~

~~The bill would provide for the submission of the bond act to the voters at the November 5, 1996, general election in accordance with specified law.~~

~~The bill would declare that it is to take effect immediately as an urgency statute.~~

This bill would enact the Clean, Safe, Reliable Water Supplies for Cities, Farms, and the Environment Act of 1996.

Vote: ~~2/3~~ majority . Appropriation: no. Fiscal committee: ~~yes~~ no . State-mandated local program: **no**.

SECTION 1. Division 24 (commencing with Section 78500) is added to the Water Code, to read:

DIVISION 24. CLEAN, SAFE, RELIABLE WATER SUPPLIES FOR CITIES, FARMS, AND THE ENVIRONMENT ACT OF 1996

78500. This division shall be known and may be cited as the Clean, Safe, Reliable Water Supplies for Cities, Farms, and the Environment Act of 1996.

All matter omitted in this version of the bill appears in the bill as amended in the Assembly, May 6, 1996

(JR 11)

AB 360 Delta levee maintenance: reimbursement.

BILL NUMBER: AB 360 AMENDED 05/20/96

AMENDED IN SENATE MAY 20, 1996
AMENDED IN SENATE APRIL 10, 1996

INTRODUCED BY Assembly Member Hannigan

FEBRUARY 10, 1995

An act to add Part 10 (commencing with Section 12997) to Division 6 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 360, as amended, Hannigan. Delta levee maintenance: reimbursement.

Existing law provides for the reimbursement of eligible local agencies for costs incurred in any year for the maintenance or improvement of levees that are not project facilities under the State Water Resources Law of 1945.

This bill would require the Department of Water Resources, in consultation with the Department of Fish and Game, to develop and submit to the Reclamation Board, for adoption by the board, criteria for levee maintenance activities, including habitat restoration work that could be performed by the local agencies on project levees, ~~that are project facilities under the State Water Resources Law of 1945,~~ in connection with the levee maintenance activities of the local agencies. The bill would define ~~local agency to mean any city, county, district, or other political subdivision of the state in the primary zone of the delta, as specified, that is authorized to maintain levees~~ "project levee" to mean a levee in the delta that is a project facility under the State Water Resources Law of 1945, if not less than a majority of the acreage within the jurisdiction of the local agency that maintains the levee is within the primary zone of the delta, as defined. The bill would declare that it is the intention of the Legislature to reimburse an eligible local agency in accordance with the bill's provisions for costs incurred in any year for maintenance activities that include benefits to the Sacramento-San Joaquin Delta and the state by providing habitat restoration in accordance with the criteria adopted by the board. The bill would make local agencies maintaining project levees eligible for reimbursement upon submission to, and approval by, the board of plans for levee maintenance activities that conform to the adopted criteria. The bill would prescribe related matters.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

SECTION 1. Part 10 (commencing with Section 12997) is added to Division 6 of the Water Code, to read:

PART 10. DELTA LEVEE MAINTENANCE AND HABITAT RESTORATION

12997. As used in this part, the following terms have the following meanings:

(a) "Board" means the Reclamation Board.

(b) "Delta" means the Sacramento-San Joaquin Delta as described in Section 12220.

(c) "Local agency" means any city, county, district, or other political subdivision of the state ~~in the primary zone of the delta, as defined in Section 29728 of the Public Resources Code,~~ that is authorized to maintain levees.

(d) "Project levee" means a levee in the delta that is a project facility under the State Water Resources Law of 1945 (Chapter 1 (commencing with Section 12570) and Chapter 2 (commencing with Section 12639) of Part 6), *if not less than a majority of the acreage within the jurisdiction of the local agency that maintains the levee is within the primary zone of the delta, as defined in Section 29728 of the Public Resources Code.*

12997.2. The Legislature finds and declares all of the following:

(a) The findings and declarations set forth in Section 12981 are applicable to this part and are incorporated herein by reference.

(b) The movement of water through the delta for use elsewhere in the state and the impact of extensive boating and recreational uses of the delta channels have added to the burden of levee maintenance costs incurred by the local levee-maintaining agencies and state assistance is therefore appropriate to meet these added costs.

(c) With appropriate assistance, the local agencies will be able to provide habitat restoration within the delta in connection with their levee maintenance activities, thereby providing a substantial benefit not only to the delta in its capacity as a recreation and natural habitat area, but to the entire state.

12997.4. The department, in consultation with the Department of Fish and Game, shall develop and submit to the board, for adoption by the board, criteria for levee maintenance activities, including habitat restoration work that could be performed by the local agencies on project levees in connection with the levee maintenance activities of the local agencies.

12997.6. It is the intention of the Legislature to reimburse an eligible local agency pursuant to this part for costs incurred in any year for levee maintenance activities that include benefits to the delta and the state by providing habitat restoration in accordance with the criteria adopted pursuant to Section 12997.4.

12997.8. Local agencies maintaining project levees shall be eligible for reimbursement pursuant to this part upon submission to, and approval by, the board of plans for levee maintenance activities on the project levees under their jurisdiction which conform to the criteria adopted pursuant to Section 12997.4.

12997.10. The plans shall be prepared in consultation with the Department of Fish and Game pursuant to the criteria established under Section 12997.4 and shall ensure that, in the judgment of the Department of Fish and Game, the habitat restoration portion of the levee maintenance activity is beneficial to fish and wildlife, as well as to the natural scenic attributes of the delta channels, and that the proposed restoration activities are not injurious to the integrity of the levee. The Department of Fish and Game shall consider the value of the riparian fisheries habitat and the need to provide safe levees as

well as the impact of project water movement and boating and recreation activities in preparing its requirements.

12997.12. The department shall, in connection with its annual inspections of the project levees, for which maintenance or improvement costs have been reimbursed pursuant to this part, additionally inspect the project levees to ascertain compliance with, or progress toward, meeting the approved plan and the criteria set forth in Section 12997.4.

12997.14. Local agencies shall cooperate with the department in the conduct of inspections described in Section 12997.12, and shall provide for reasonable access to the lands and easements of the local agency.

12997.16. (a) Before any plan is approved, agreement entered into, or moneys advanced or reimbursed under this part, the local agency shall first enter into an agreement with the board indemnifying and holding and saving the state, the board, the department, any other agency or department of the state, and their employees free from any and all liability for damages, except that caused by gross negligence, that may arise out of the approvals, agreements, inspections, or work performed under this part.

(b) Any funds appropriated for any of the purposes of this part may be used to satisfy any judgment against the state covered by this section, pending indemnification by the local agency.

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AB 2193 Sacramento-San Joaquin Delta: *Egeria densa*.

BILL NUMBER: AB 2193 INTRODUCED 02/08/96

INTRODUCED BY Assembly Member Rainey

FEBRUARY 8, 1996

An act to amend Section 64 of the Harbors and Navigation Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2193, as introduced, Rainey. Sacramento-San Joaquin Delta: *Egeria densa*.

Existing law designates the Department of Boating and Waterways as the lead agency in cooperating with other agencies in controlling water hyacinth in the Sacramento-San Joaquin Delta, its tributaries, and the Suisun marsh.

This bill also would designate the department as the lead agency in cooperating with other agencies in controlling *Egeria densa* in those areas.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

SECTION 1. Section 64 of the Harbors and Navigation Code is amended to read:

64. (a) The Legislature hereby finds and declares that the growth of water hyacinth *and Egeria densa* in the Sacramento-San Joaquin Delta, its tributaries, and the Suisun Marsh has occurred at an unprecedented level and that the resulting accumulations of water hyacinth *and Egeria densa* obstruct navigation, impair other recreational uses of waterways, have the potential for damaging manmade facilities, and may threaten the health and stability of fisheries and other ecosystems within the delta and marsh. Accordingly, it is necessary that the state, in cooperation with agencies of the United States, undertake an aggressive program for the effective control of water hyacinth *and Egeria densa* in the delta, its tributaries, and the marsh.

(b) The department is designated as the lead agency of the state for the purpose of cooperating with agencies of the United States and other public agencies in controlling water hyacinth *and Egeria densa* in the delta, its tributaries, and the marsh.

(c) The department, other state agencies, cities, counties, and districts are hereby authorized to cooperate with one another and with agencies of the United States in controlling water hyacinth *and Egeria densa* in the delta, its tributaries, and the marsh and may furnish money, services, equipment, and other property to that end.



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